



SMI ADVISORY COMMITTEE

**Morganton Department of Public Safety
June 18, 2015 – 10:00 A.M.**

MEETING MINUTES

(Proposals contained in these minutes are subject to approval by the NC Criminal Justice Education and Training Standards Commission)

WELCOME

Chairman Dan Worley called the meeting to order at 10:07 AM, and welcomed the members to the Morganton Department of Public Safety headquarters. Dan thanked Member Billy Bradshaw for hosting the meeting and providing refreshments. Dan introduced new Member Joe Carey to the Committee, and reminded members that he will be filling the remainder of the term for retired member Wes Eubank. Dan also welcomed former member Jeff Worley to the meeting, who was serving as proxy for Member Stevie McMillan who is absent due to family sickness. Dan advised the Committee that Member Bob Stevens is unable to attend the meeting due to sickness as well.

ROLL CALL

Members Present

Billy Bradshaw	Ryan Weeks
Fred McQueen	Stevie McMillan by proxy of Jeff Worley
Anthony Locklear	Steve Warren
Chris Gaddis	Joe Carey
Dub Bridges	Dan Worley; Chairman

Members Absent

Program Administrator

Bob Stevens

Visitors

Wes Eubank, Charlotte-Mecklenburg PD – Retired

Kent Hayes, Kustom Signals, Inc.

APPROVAL OF MINUTES

Chairman Worley distributed a copy of the previously approved March 05, 2015 meeting minutes. Dan advised the members that during a review by Commission legal staff, a few errors were located within the minutes that required correction, and then a subsequent vote in Committee session to accept the amendments to the minutes. The errors identified include;

1) Reversal on the denial finding for adherence to the light test regulation for the DragonEye Technology Inc. “DragonEye Compact”, DragonEye Technology Inc. “DragonEye Speed”, and Laser Technology Inc. “TruSpeed LR”. The specific failures listed for these instruments were interpreted by what the Committee meant, but Commission legal staff felt the actual language provided in the regulation did not clearly specify the intent of the Committee, and therefore, was an error to deny based on that interpretation. This reversal does not change the recommendation of denial for the DragonEye Technology Inc. “DragonEye Compact”, and DragonEye Technology Inc. “DragonEye Speed”. This is based on the fact that three additional failures were found by the Committee during evaluation, and the Commission has already supported these additional findings. However, the listed reversal does now reverse the finding of denial for the Laser Technology Inc. “TruSpeed LR” because the light test failure was the only failure identified during evaluation. Dan advised the members that he contacted Laser Technology Inc. and advised them of the findings by Commission legal staff, and that Laser Technologies Inc. agreed to revise the software to make it exactly match what the intent of the Committee was, although they were not required to do so by Commission legal staff. A demo unit was provided by Laser Technology Inc. and presented to the Committee for review, which matched exactly the intended desire of the Committee. The Committee was very appreciative for the kindness of Laser Technologies Inc. in quickly revising the software to match our intent, even though they were under no obligation to do so. Dan also advised the Committee that a subsequent motion to accept the amendment to the minutes will also extend an approval for the Laser Technology Inc. “TruSpeed LR” to be effective September 1, 2015.

2) Dan advised the Committee that during transcribing of the notes from the meeting, an incorrect term was placed in the minutes concerning the evaluation of the DragonEye Technology Inc. “DragonEye Compact” and DragonEye Technology Inc. “DragonEye Speed.” The incorrect term was “angle encoder” whereas the identified instruments do not possess a mode or feature containing an angle encoder. Dan advised the members that the discussion of angle encoders during the meeting was unrelated to these instruments, but the term was accidentally put into the minutes instead of the correct term of “obstruction” mode. The obstruction mode was the topic of concern for these two listed instruments, and therefore, was not approved because neither of these features/modes was previously tested. Dan advised the Committee that a subsequent motion to accept the minute’s amendment will affirm the denial of the “obstruction” mode for this instrument due to not previously being tested, and will also replace the incorrect term of “angle encoder” from the initial minutes with the correct term of “obstruction mode” in the amended minutes.

3) Dan reminded the Committee that Applied Concepts Inc. was asked by the Committee to submit two different versions of the “Stalker LIDAR XS” and the “Stalker LIDAR XLR” so we could test the new features/modes for the 2014-2015 evaluation cycle. The two versions of the same instrument would be one with all of the modes/features active, and one without all the modes/features active. This process would allow the Committee to review the modes/features, and if not approved, we could still issue approval on the basic models of the instrument. Dan advised the Committee that during the distribution of the instruments submitted by Applied Concepts Incorporated, it was not labeled that the instruments were different models. Therefore, it was assumed that Applied Concepts Inc. had decided to send the XS without the modes/features active, and the XLR with the modes/features active. Because the Committee issued a denial on the modes/features, it resulted in the denial of the XLR as specified in the initial minutes. However, Applied Concepts did in fact send two versions of each instrument. We simply did not recognize the difference between the models during distribution. Since an approval was established for the basic model of the XS, an approval was also required for the basic model of the XLR. Dan advised the Committee that a subsequent motion to accept the amendment to the minutes will also affirm an approval for the Applied Concepts Inc. “Stalker LIDAR XLR” that was added to Appendix A effective June 1, 2015.

Member Ryan Weeks made a motion to accept the amendments to the March 05, 2015 minutes as identified in this meeting. Member Billy Bradshaw seconded the motion. The motion carried unanimously.

Now finalized, Dan reminded the members that there will be two sets of minutes for the March 05, 2015 meeting. An “initial” set of minutes, which contain the errors, and an “amended” set of minutes, which contain a full copy of the correct minutes.

NC JUSTICE ACADEMY ITEMS – CURRICULUM/TRAINING

Manufacturer Presentation

Senior Product Manager Mr. Kent Hayes with Kustom Signals Inc. was present at the meeting to conduct a presentation on new modes/features that Kustom Signals Inc. would like to add to some existing approved units. Those units are ProLaser 4, Raptor RP-1, and will be included on the LaserCam 4 if submitted for approval this year.

Mr. Hayes first identified a certification expiration notice that would notify the operator of these instruments when the

annual test for accuracy was approaching expiration by putting a “pop-up” screen on the power-up sequence. Mr. Hayes presented an example of the display in the presentation. Chairman Worley clarified that Mr. Hayes was asking if the notice could be inserted in the power up sequence, and Dan advised Mr. Hayes that it was not permissible to insert the notice during either the power up sequence or the manual test sequence, as our rules strictly prohibit the insertion of anything except the light test followed by the ICT. Dan asked Mr. Hayes if the screen could be placed in the menu of the instrument, and Mr. Hayes replied that its placement is flexible. Mr. Hayes also stated that the instruments could be programmed to lock itself down once the expiration of the certification had been met, and that only a Kustom Signals Inc. authorized service provider could unlock the instrument. Dan asked if this feature was a means to require instruments needing annual tests for accuracy be submitted only to Kustom Signals Inc., and Mr. Hayes stated that the instruments could be submitted for a fresh annual test for accuracy at any location that is approved by Kustom Signals Inc. to offer the service, but not necessarily Kustom Signals Inc. itself. Dan asked if an agency could obtain permission to unlock the instrument. Mr. Hayes stated that Kustom Signals wished to keep access to the unlock feature secure, otherwise, anyone could learn to unlock the instrument and would defeat the purpose of the function, but if an agency had their own radio technicians who currently do annual tests for accuracy, they could obtain authorization from Kustom Signals Inc. to perform the unlocks. Mr. Hayes asked the members if they thought the feature would be useful. No member disagreed. Dan advised Mr. Hayes that he thought the feature was a very good idea, but that it would require further consideration by the Committee. Mr. Hayes asked the Committee if he could submit a survey with questions concerning the matter, so we could resolve any issues prior to the submission of the LaserCam 4. Dan agreed that the Committee would be willing to work with Kustom Signals Inc. in any way to work towards further evaluation and consideration of the mode/feature. Several members inquired about this topic, and received a response from Mr. Hayes.

Next, Mr. Hayes presented the guided tuning fork test feature for the Raptor RP-1. This feature would present the operator with a display screen that would request a specific fork, fork order, and measure the results as the forks are presented to the instrument. If the instruments measurement of the fork is out of accepted minimums, or if the fork test is not done, the instrument has the option to lock itself until a correct fork test is completed. An example of the feature was presented to the Committee. The feature would also have an internal timer that would track the time since the last tuning fork test. Once the timer limit is reached, the instrument would then require a tuning fork test before another enforcement action could be taken. Dan agreed that this feature, like the certification expiration notice above, could be quite useful and would certainly solicit better tuning fork testing, but that the Committee would like to consider the feature and its usefulness more. Dan asked Mr. Hayes to present the Committee with as much documentation on the two features as possible. Mr. Hayes agreed to do so. Several members inquired about this topic, and received a response from Mr. Hayes.

Next, Mr. Hayes discussed the “TimeTrak” feature which is requested to be added to ProLaser 4 LIDAR instruments. This feature will insert a timer on the HUD display to notify the operator of the total instrument based tracking time for that particular clock. The timer is started once the trigger is pulled, and once the speed is locked, it will hold the accrued time with the locked speed and range for documentation by the operator in his enforcement notes. [As a note to this feature, the “TimeTrak” feature only times the instrument based tracking history. The time accrued by the operator first visually tracking the target before instrument based tracking is not included in this time display.] Dan agreed that this feature also should prove valuable, and asked if there was any further input or questions from the Committee and there was none.

Next, Mr. Hayes presented the Committee with the LaserCam 4, a new LIDAR instrument that has an integrated camera for recording each clock. The camera will automatically zoom and focus during all clocks, and can be purchased with night vision capabilities as well. A demo unit was passed around for the Committee to hold and look at. Mr. Hayes stated he would like to submit the instrument for approval in the 2015-2016 evaluation cycle. Dan advised Mr. Hayes that he would need to seek clarification with Commission legal staff on whether this instrument was considered a photo speed measuring instrument before it would be allowed to be submitted under the LIDAR speed measuring instrument regulations. Dan asked if there was any further input or questions from the Committee and there was none.

Finally, additional features were presented and discussed; however, those features are considered proprietary by Kustom Signals Inc. and cannot be specific in these minutes to protect the manufacturer.

With no further discussion remaining, Dan thanked Mr. Hayes for attending the meeting, and confirmed that Mr. Hayes would be submitting the survey to the Committee, and presenting the Committee with additional documentation on the features discussed today. Additionally, Dan advised Mr. Hayes that he would seek input from Commission legal staff on the clarification for the LaserCam. The meeting was temporarily suspended until Mr. Hayes could remove his presentation hardware.

Instrument Evaluation Correction

As specified in the minute's amendment earlier, the Laser Technology Inc. "TruSpeed LR" denial was reversed due to the interpretation of the rules by Commission legal staff. The Committee unanimously voted to accept their interpretation, and subsequently approved the "TruSpeed LR". With this action, requires Appendix A and Appendix C to include the "TruSpeed LR" on the approved for use list, as well as in the daily tests for accuracy section of the Supplement for SMI Training.

Chairman Worley presented the Committee with a revision recommendation for Appendix A and Appendix C, with a recommended effective date of September 01, 2015. As part of this revision, it also required the cover page for the Supplement to update as well to add new Member Joe Carey to the Committee. Dan asked if there were any questions or concerns on any of this new language, and there was none. Because the "TruSpeed LR" was already recommended for approval earlier in this meeting, no motion is necessary to accept the approval in this portion of the meeting.

Approval/Deletion Rules Revision

Chairman Worley advised the Committee that DragonEye Technology Inc. had formally appealed the decision to deny their instrument following our 2014-2015 evaluation session. During review of our process, Commission legal staff recommended the Committee review all of the Approval/deletion policy and prepare revisions so as to ensure our language specifically represents the intent of the Committee. Dan distributed a copy of the current policy, and asked that each member take the copy home and begin reviewing each segment of the policy. Dan asked the members to be prepared to discuss this policy in great detail at the September meeting, and that most likely Commission legal staff and Commissioners would be present to discuss our findings as well. There was no further input from the Committee at that time.

Additionally, Dan distributed a copy of Appendix A with proposed revisions contained within. Specifically, the proposed revisions are reflected in the rules for approval section. Dan asked the members once again to take this home, review it, and be prepared in September to discuss revisions that are needed.

CJ STANDARDS DIVISION ITEMS – STANDARDS

C.J. Standards Update

Chairman Worley advised the Committee that former member Tim Pressley would retire from the Criminal Justice Standards Division effective 01 July, 2015. In the interim, Tim is no longer in the office taking time off prior to retirement. Dan acknowledged his appreciation for the job Tim did during his tenure as SMI Program Administrator, and advised the members he met with Member Pressley to present him with a plaque of appreciation on behalf of the SMI Committee prior to his last day at the Criminal Justice Standards Division. Dan advised the Committee that the Criminal Justice Standards Division is currently seeking a replacement for Tim, and that while vacant, it could result in some minor delays for certifications simply due to a loss in manpower. The position will be filled as soon as possible.

INFORMATIONAL ITEMS

Commission Meeting Update

Chairman Worley updated the Committee on the findings of the Commission at their recent meeting; these findings included the affirmation of our recommendations on the approval of the one RADAR and two LIDARs, as well as the denial of one RADAR and three LIDARs. Dan also reiterated that both the Chairwoman of the Education and Training Committee of the Commission, and Commission legal staff, strongly recommended the review and revision of the policies we utilize to ensure they represent our intended interpretations. There was no further discussion had.

LIDAR Instructor School Update

Chairman Worley identified that the LIDAR Instructor School was moved from its normal time of February to April due to weather cancellation. The class in April resulted in seven new LIDAR Instructors, and Dan stated all of them performed very well throughout the school.

OTHER BUSINESS

Term Renewals:

Chairman Worley congratulated Member Fred McQueen and Member Steve Warren on reappointment to the Committee. They will now serve until their term expiration date of 03/15/2018.

Next Meeting

Chairman Worley also reminded members that the next meeting date is scheduled for Thursday, September 3, 2015 to be held at the Criminal Justice Standards Division, located in Raleigh. Dan reminded Committee members that Commission legal staff and Commission members will likely be present for that meeting. Should there be a change of location or date, Dan will notify the members as soon as possible.

Other Business

Chairman Worley asked if there was any other business we have not addressed.

Member Chris Gaddis asked the Committee to consider a revision to the basic Instructor training programs. Member Gaddis stated that he noticed there was no real interest in attending SMI Instructor training schools because operators were concerned about attending and losing their operator certification if they could not pass the Instructor course. Member Gaddis stated that during the most recent RADAR Instructor school, a student attending the school failed on Instructor practicum on the last day of a two week school and lost not only the ability to be an instructor, but also lost his operator certification. Member Gaddis felt this was a double jeopardy on the student, and in reality, reduces the number of applicants willing to attend SMI Instructor training.

Chairman Worley advised the Committee the particular circumstance Member Gaddis was referring to was a student who failed instructor practicum, a testing session that measures their ability to correctly deliver the road test and signoff. Dan, reminding the Committee he was going by memory, advised the Committee that the student allowed the adjunct, while playing the role of a student operator, to perform a series of major omissions during the signoff and road test. The adjunct failed the student on his ability to conduct the signoff and road test. Then, by standard practice, Dan stated he took the student out for his RETEST on the Instructor Practicum portion to ensure the student grading is fair. During the RETEST, Dan stated he purposely omitted doing a target speed discrimination procedure, purposely omitted doing a tuning fork test after taking the clock, and then omitted verifying the patrol speed on the next clock and the student missed all of these omissions. Dan stated that with such performance, how anyone could not question this student's ability to be either an operator or instructor is surprising.

Member Ryan Weeks asked how many times have students failed and been dismissed from the instructor practicum portion of instructor training, and Dan estimated it at possibly four since 2007. Member Ryan Weeks stated that it appeared to him that the failures on this are not excessive. Member Gaddis stated that he did not wish for a student that makes a simple mistake to lose everything. Member Gaddis felt like this was unnecessary and too difficult, and that the Committee should consider revising that standard to increase the potential pool of applicants that will agree to attend SMI Instructor certification. Dan advised the Committee that the current practice states that anytime a student is enrolled into a SMI course, including SMI Instructor training, once a motor skills failure occurs it suspends his/her certification immediately, and if a RETEST is not passed, they lose their certification. To make this change, he continued, would mean changing the entire process for the sake of gaining more applicants to attend the school. Dan advised the Committee that low instructor numbers should not be the concern, inferring that the quality of the instructors we do have is of paramount importance to our program and should be to this Committee. However, Dan advised the Committee that he would take the majority ruled recommendation from the Committee regardless if he agreed with it or not.

Proxy Jeff Worley agreed with Member Gaddis and stated that it didn't seem fair to him that an operator would lose everything as well. Proxy Worley stated that when an operator attends Instructor school, he/she is trying to become an instructor and that if a failure occurs, it should only remove him from the ability to become an instructor for that course, but not affect his ability to operate RADAR as an operator.

Dan asked if there was a motion on Member Gaddis' concern. Member Chris Gaddis made a motion to revise the basic instructor school practicum to remove suspension of operator certification in the event of a failure. Proxy Jeff Worley seconded the motion. Prior to taking a vote, Member Joe Carey asked to clarify what the motion was concerning, as he understood the motion to apply to any failures, including all motor skills, sign-off, etc. Dan asked Member Gaddis if his motion applied only to the instructor practicum portion, and Member Gaddis stated that his motion applied to all testing during instructor training including pre-entrance, any motor skills, instructor practicum, etc. Dan clarified that the members were voting to remove all terms of suspension to the applicants' operator certification in the event any type

of failure is recorded during Basic Instructor school. With no further questions, Dan took roll on the vote. Four members voted in support of Member Gaddis' recommendation, while five members voted in objection of Member Gaddis' recommendation. The proposal was denied by majority.

ADJOURNMENT

With no further discussion, the meeting was adjourned.